

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

RICHARD POLAK,

Plaintiff,

v.

CITY OF OMAHA, a political subdivision  
of the State of Nebraska, KERRY ISELIN,  
ROBERT LANEY, CLINTON GORMLEY,  
JOHN DOES 1-100, both individually and  
as officers of the Omaha Police Department,

Defendants.

CASE NO.

**NOTICE OF REMOVAL  
AND  
DEMAND FOR JURY TRIAL**

COMES NOW the CITY OF OMAHA, ROBERT LANEY, KERRY ISELIN AND ROBERT GORMLEY, Defendants in the above-entitled action, and removes this action to this United States District Court for the District of Nebraska upon the following showing:

1. On June 25, 2018, Plaintiff filed, in the District Court of Douglas County, Nebraska, a First Amended Complaint in an action with the above-shown caption and identified as Case No. CI 18-5714 where it is presently pending. A true and accurate copy of the Complaint is attached hereto as Exhibit 1. That Complaint asserts that the Defendant's conduct deprived the Plaintiff of his federal constitutional rights and will seek recovery pursuant to 42 U.S.C. §1983.

2. Plaintiff caused the Clerk of the District Court to issue summons on June 26, 2018. A true and accurate copy of the summons, which is representative of all summons that were served on the Defendants, is attached hereto as Exhibit 2. The summons contained a copy of the Plaintiff's Complaint and was served upon the Defendants on June 27, 2018.

3. The Complaint in the pending action presents a claim arising under the United States Constitution, treaties, or laws of the United States and is removable from the State court in accordance with 28 U.S.C. § 1441(a).

4. All Defendants named in the Complaint stipulate to this Removal.

5. Service of process was made on or about June 27, 2018. This Notice of Removal is filed within 30 days after any named Defendant first received or was served with the Complaint and within the 30 days granted by the state court to answer the Complaint.

6. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction of the claim filed by Richard Polak in the District Court of Douglas County, Nebraska, and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, the removing Defendants pray that the above entitled action be removed from the District Court of Douglas County, Nebraska to this Court.

#### **DEMAND FOR JURY TRIAL**

Defendant requests a jury trial in Omaha, Nebraska.

CITY OF OMAHA, et al., Defendants

By: /s/ Michelle Peters

Michelle Peters, No. 20021

Deputy City Attorney

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Attorney for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on 25<sup>th</sup> day of July, 2018, I electronically filed the foregoing **NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL** with the Clerk of the Court and mailed the same, via U.S. Postal Service, postage prepaid, to William R. Harris, 9205 Meadow Drive, Omaha, NE 68114 and William R. Harris, Berry Law Firm, 222 S. 15<sup>th</sup> St., Suite 405N, Omaha, NE 68179.

/s/ Michelle Peters